

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

CASE NO. CR24-0079-KKE

Plaintiff(s),

V.

## ORDER GRANTING MOTIONS TO CONTINUE THE TRIAL DATE

1. HECTOR DURAN ALDACO
  4. ROGELIO PENA
  6. ALEX ORTIZ
  7. NELDIN LICONA RIVERA
  8. ALEXANDER KEMP.

Defendant(s).

The Court has considered a motion to continue the trial date, as well as a supplemental motion to continue, filed on behalf of Defendants Hector Duran Aldaco, Rogelio Pena, Alex Ortiz, and Alexander Kemp, and the oral argument held on June 20, 2025. Dkt. Nos. 224, 241, 251. Although counsel for Defendant Neldin Licona Rivera initially joined the motion for continuance, stating that a continuance is necessary to allow for effective preparation and negotiation, Licona Rivera himself refuses to waive his right to a speedy trial. Dkt. No. 224, Dkt. No. 241 at 2–3. Licona Rivera’s counsel clarified at oral argument that he supports his client’s position and is prepared to go to trial.

The Court conducted a hearing on this date, and makes the following findings:

1       1. Taking into account the exercise of due diligence, a failure to grant a continuance in this  
2 case would deny defense counsel the reasonable time necessary for effective preparation due to  
3 counsel's need for additional time to review the evidence, gather additional evidence, complete  
4 investigations, call experts, and prepare for trial, as set forth in Title 18, United States Code,  
5 Section 3161(h)(7)(B)(iv).

6       2. A failure to grant such a continuance in this proceeding would likely result in a  
7 miscarriage of justice, as set forth in Title 18, United States Code, Section 3161(h)(7)(B)(i).

8       3. The additional time requested is a reasonable period of delay, as Defendants Duran  
9 Aldaco, Pena, Ortiz, and Kemp have requested more time for their counsel to prepare for trial, to  
10 complete investigations, and to gather evidence and material related to their defenses. Defendants  
11 Duran Aldaco, Pena, Ortiz, and Kemp have filed written waivers of their right to a speedy trial.  
12 *See Dkt. Nos. 225, 229, 240, 259.*

13       4. The ends of justice will best be served by a continuance, and the ends of justice outweigh  
14 the best interests of the public and Defendants Duran Aldaco, Pena, Ortiz, and Kemp in any  
15 speedier trial, as set forth in Title 18, United States Code, Section 3161(h)(7)(A), Title 18, United  
16 States Code, Section 3161(h)(7)(b)(i), (iv).

17       5. The additional time requested between the current trial date of July 21, 2025, and the  
18 new trial date is necessary to provide defense counsel the reasonable time necessary to prepare for  
19 trial.

20       6. The objection of Licona Rivera, who refuses to waive speedy trial, is overruled.  
21 Defendants in this case are alleged to have conspired together. *See Dkt. No. 1.* The charges arise  
22 out of a common investigation, including common wiretap applications and a common search  
23 warrant application. *See Dkt. No. 51.* It is well established that in multi-defendant cases, a  
24 reasonable trial continuance as to any defendant tolls the Speedy Trial Act period as to all joined

1 co-defendants, even those who object to a trial continuance or who refuse to submit a waiver under  
2 the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(6).

3 NOW, THEREFORE, IT IS HEREBY ORDERED that the motions for continuance (Dkt.  
4 Nos. 224, 241) filed by Defendants Duran Aldaco, Pena, Ortiz, and Kemp are GRANTED. The  
5 trial date is hereby continued from July 21, 2025, to March 2, 2026.

6 IT IS FURTHER ORDERED that the time between the date of this order and the new trial  
7 date of March 2, 2026, is excluded in computing the time within which a trial must be held, under  
8 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv).

9 DATED this 8th day of July, 2025.

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Kymberly K. Evanson

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12 Kymberly K. Evanson  
United States District Judge  
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